

## **Virginia Title V Operating Permit**

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Home Pride, Inc.
Facility Name:	Home Pride, Inc.
Facility Location:	21528 Travelite Drive Bristol, VA 24202
Registration Number:	11264
Permit Number:	SWRO11264

Effective Date: January 16, 2001  
Modification Date: May 6, 2003  
Expiration Date: January 16, 2006

Robert G. Burnley  
Director, Department of Environmental Quality

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Signature Date (as modified): May 6, 2003

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## **I. Facility Information**

### **Permittee**

Home Pride, Inc.  
P.O. Box 160387  
Nashville, TN 37216

### **Responsible Official**

Chuck Hughes  
Plant Manager

### **Facility**

Home Pride, Inc.  
21528 Travelite Drive  
Bristol, VA 24202

### **Contact Person**

Chuck Hughes  
Plant Manager  
276-642-0271

**AIRS Identification Number:** 51-191-0169

**Facility Description:** SIC Code – 2435 - Mobile home step manufacturing facility.

Home Pride, Inc. is located on Travelite Drive in Bristol, Virginia (Washington County). The facility operations consist of the fabrication of wooden steps which involves plywood sawing, assembly and sanding. The fabricated wooden steps are then spray-coated in two spray booths with fiberglass, resin (containing styrene monomer) and a decorative finish. Also, wedge and cap block manufacturing for the manufacture housing industry consists of cutting and banding wedges, and cutting and banding cap blocks (woodworking operations).

The PM<sub>10</sub> emissions from the panel saw are controlled by three dust collection systems located inside (and venting inside) the building. All of the woodworking operations are located inside the building, which has four building ventilation exhaust fans. The PM and PM<sub>10</sub> emissions from the spray booths are controlled by Purolator fiberglass filters (or equivalent) located in each spray booth exhaust. The facility operates 40 hours per week, four days per week, 52 weeks per year.

The facility is a Title V major source of styrene monomer emissions from the woodcoating of the steps by spraying with fiberglass and resin. This source is located in an attainment area for all pollutants. The facility was previously permitted under a minor NSR permit issued on July 9, 2001 (as amended November 4, 2002). The facility is inspected once per year. There are no outstanding compliance issues.

## II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled/Emitted	Applicable Permit Date
<b>Mobile Home Step Manufacturing</b>							
01A	01A	Woodworking equipment/step manufacturing	8000 ft <sup>2</sup> per day (150 steps per day)	Woodtek 864-381 Dust Collectors (inside building)	01A**	Particulate	Permit dated 7/9/01 (as amended 11/04/02), Condition #3, 5, 6, 7
01	01	Spray Booth #1	2000 lbs per day	Purolater Fiberglass Filter #10011	01	Particulate/ Styrene	Permit dated 7/9/01 (as amended 11/04/02), Conditions #4, 6, 7
02	02	Spray Booth #2	2000 lbs per day	Purolater Fiberglass Filter #10011	02	Particulate/ Styrene	Permit dated 7/9/01 (as amended 11/04/02), Conditions #4, 6, 7

\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

\*\*The dust collector vents inside the building; building vent fans exhaust to the atmosphere.

## III. Process Equipment Requirements – Woodworking Equipment -Unit 01A

### A. Limitations

1. Particulate emissions from the woodworking equipment, Unit 01A, shall be controlled by dust collection systems and the full enclosure provided by the building. The woodworking equipment and the dust collection systems shall be provided with adequate access for inspection.  
(9 VAC 5-80-110 and Condition 3 of NSR Permit dated 7/9/01(as amended 11/4/02))
2. Visible emissions from the woodworking process, Unit 01A, shall not exceed 5% opacity as determined by EPA Method ( 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.  
(9 VAC 5-50-20, 9 VAC 5-80-110, 9 VAC 5-170-160 and Condition 7 of NSR Permit dated 7/9/01(as amended 11/4/02))

3. Emissions from the operation of the woodworking process, Unit 01A, shall not exceed the limits specified below:

PM-10                      2.4 lbs/hr                      2.2 tons/yr

Annual emissions shall be calculated as the sum of each consecutive twelve (12) month period.

(9 VAC 5-50-260, 9 VAC 5-80-110 and Condition 6 of NSR Permit dated 7/9/01(as amended 11/4/02))

4. The output of board-feet from all woodworking operations shall not exceed 3,113,100 board-feet/year, calculated monthly as the sum of each consecutive 12 month period. (9 VAC 5-80-10, 9 VAC 5-50-260, 9 VAC 5-80-110, and Condition 5 of NSR Permit dated 7/9/01(as amended 11/4/02))

## **B. Monitoring**

The permittee shall perform a weekly visible emission observation on the building vent fan exhausts (general exhausts for Unit 01A, four vent fan exhausts), during normal operation, for a brief period of time to identify the presence of visible emissions. If, during any visible emission observation, visible emissions are observed (condensed water vapor/steam is not a visible emission) that appear to be greater than 5% opacity, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60 Appendix A, Method 9, for a minimum of six minutes. A record of each visible emissions observation shall be maintained. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. If the average opacity is greater than 5%, changes and/or repairs shall be performed to correct the problem. If such corrective action fails to correct the problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted for 18 minutes to determine compliance with the opacity limit. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner such that no visible emissions are present; the vent fan is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.

(9 VAC 5-80-110 and Condition 7 of NSR Permit dated 7/9/01(as amended 11/4/02))

## **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. All observations, visible emission checks, VEEs and corrective actions.
2. Monthly calculations of PM emission rates to show compliance with PM limits stated in Condition III.A.3. of this permit, with annual limits being determined using the

sum of each consecutive 12-month period. These records shall include equations and pollutant-specific emission factors.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 3, 5, and 7 of NSR Permit dated 7/9/01(as amended 11/4/02))

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

#### **E. Reporting**

N/A

### **IV. Process Equipment Requirements – Spray Booth Operation - Units 01 and 02**

#### **A. Limitations**

1. The annual throughput of Polylite Resin, or equivalent, for the spray booths (Units 01 and 02) shall not exceed 30,500 gallons, calculated monthly as the sum of each consecutive twelve (12) month period.  
(9 VAC 5-80-110 and Condition 4 of NSR Permit dated 7/9/01(as amended 11/4/02))
2. Maximum styrene monomer content of the Polylite Resin, or equivalent, shall not exceed 4.48 pounds per gallon.  
(9 VAC 5-80-110 and Condition 4 of NSR Permit dated 7/9/01(as amended 11/4/02))

3. Visible emissions from the spray booth process (Units 01 and 02) shall not exceed 5% opacity as determined by EPA Method ( (40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction. (9 VAC 5-50-80, 9 VAC 5-80-110 and Condition 7 of NSR Permit dated 7/9/01(as amended 11/4/02))
4. Emissions from the operation of the spray booth process (Units 01 and 02) shall not exceed the limits specified below:

Volatile Organic Compounds	19.3 lbs/hr	23.6 tons/yr	(9 VAC 5-50-260)
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Styrene (as VOC)	19.0 lbs/hr	23.2 tons/yr	(9 VAC 5-50-260)
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Annual emissions shall be calculated as the sum of each consecutive twelve (12) month period.

(9 VAC 5-80-110 and Condition 6 of NSR Permit dated 7/9/01(as amended 11/4/02))

#### **B. Monitoring**

1. The permittee shall perform a weekly visible emission observation on each spray booth exhaust (Units 01 and 02), during normal operation, for a brief period of time to identify the presence of visible emissions. If, during any visible emission observation, visible emissions are observed (condensed water vapor/steam is not a visible emission) that appear to be greater than 5% opacity, a visible emission evaluation (VEE) shall be conducted in accordance with 40 CFR 60 Appendix A, Method 9, for a minimum of six minutes. A record of each visible emissions observation shall be maintained. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. If the average opacity is greater than 5%, changes and/or repairs shall be performed to correct the problem. If such corrective action fails to correct the problem, a VEE in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted for 18 minutes to determine compliance with the opacity limit. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner such that no visible emissions are present; the spray booth is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.  
(9 VAC 5-80-110 and Condition 7 of NSR Permit dated 7/9/01(as amended 11/4/02))

#### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:



1. Annual throughput of Polylite Resin, or equivalent, calculated monthly as the sum of each consecutive twelve (12) month period.
2. A log of the styrene content of the Polylite Resin, or equivalent, purchased for spraying operations.
3. A log of the total hours of spraying occurring each month.
4. Monthly calculations listing the styrene and VOC emissions in pounds per hour and tons per year, including equations and pollutant-specific emission factors.
5. All observations, visible emission checks, VEEs and corrective actions.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Conditions 4, 6 and 7 of NSR Permit dated 7/9/01 (as amended 11/4/02)

#### **D. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

#### **E. Reporting**

N/A

#### **V. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation <sup>1</sup>	Pollutant Emitted (5-80-720 B.)	Rated Capacity
03	Empire Natural Gas Heater; Model UH 1300 FSP	5-80-720 C	PM, VOC, NO <sub>x</sub> , SO <sub>2</sub> , CO	0.3 MMBTU/HR
04	Lennox Natural Gas Heater; Model LF 3-330	5-80-720 B	PM, VOC, NO <sub>x</sub> , SO <sub>2</sub> , CO	0.33 MMBTU/HR

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VI. Compliance Plan

N/A

## VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.  
(9 VAC 5-80-140)

## **VIII. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year.

This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
  - (1) Exceedance of emissions limitations or operational restrictions;
  - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”  
(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.  
(9 VAC 5-80-110 K.5)

#### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

#### **F. Failure/Malfunction Reporting**

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Southwest Regional Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.  
(9 VAC 5-80-250)

#### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

- a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
- b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
- c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or

fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

- d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
- e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
- f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.  
(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G.5)

#### **L. Duty to Submit Information**

- 1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
- 2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K.1)

#### **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by

**April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

#### **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

#### **O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)



**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
  - d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.  
(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-80 E)

## **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(40 CFR Part 82, Subparts A-F)

## **Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(40 CFR Part 68)

## **Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110 I)

### **AA. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.  
(9 VAC 5-80-110 I)